

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WENFANG LIU,

Plaintiff,

v.

TIMOTHY MUND,

Defendant.

ORDER

09-cv-500-wmc

On October 2, 2012, this court entered an amended judgment in favor of the plaintiff Wenfang Liu in the amount of \$49,290.32, and ordered the defendant Timothy Mund to make payments as directed. In particular, the court ordered defendant to make monthly or bi-weekly payments to plaintiff of “125% of the federal poverty line, adjusted annually as shown at <http://aspe.hhs.gov/poverty/index.shtml>, until his payment obligations cease.”

Plaintiff has filed a motion for contempt, noting that the payments she has received in 2014 of \$1,198 per month are less than 125% of the federal poverty guideline as adjusted for 2014. Under the adjusted guideline, plaintiff should be receiving \$1,216 per month or \$14,588 annually for a one person family. Plaintiff seeks a court order directing Mund to pay the adjusted amount in one monthly payment either by check or transferred directly to her bank account. She also seeks compensatory and punitive damages.

In response to the motion, defendant reports that he has sent a check to compensate plaintiff for the shortfall and that all future monthly payments will be for the adjusted amount. (Dkt. # 164). Because defendant has demonstrated his compliance with the judgment, plaintiff's motion for contempt and her request for damages (dkt. # 163) will be denied. Defendant is nevertheless admonished to check the newly-set federal poverty guideline at the beginning of each calendar year to assure that he remains in compliance. Further failure to comply timely, particularly after having received notice of the shortfall, may result in sanctions in the future.

In his response, defendant appears to argue that his financial obligation to plaintiff should be reduced to account for a pension that she receives from a previous employer, something he claims she has not previously disclosed. If defendant seeks relief from the judgment, he must file a formal motion asking for such relief, along with any evidence showing that he is entitled to reduce the amount of his monthly payments.

ORDER

IT IS ORDERED that plaintiff Wenfang Liu's motion for contempt (dkt. # 163) is DENIED.

Entered this 16th day of May, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge